

**REMARKS**

This Application has been carefully reviewed in light of the *Office Action* dated October 2, 2007. At the time of the *Office Action*, Claims 1, 3-9, 11-18, 20-25, and 45-49 were pending in the Application, of which, Claims 1, 3-7, 9, 11-18, 20-24, and 45-49 were rejected and Claims 8 and 25 were objected to. Applicants have amended Claims 1, 3, 6, 7, 9, 17, 18, 20, 21, 23, 24, and 45-48 and added a new claim, Claim 50. Support for the amendments and the new claim may be found, for example, on pages 18 and 19 of the Specification. Applicant appreciates the indication by the Examiner that Claims 8 and 25 are directed to allowable subject matter. Applicant further respectfully requests reconsideration and allowance of all pending claims.

**Claim Rejections under 35 U.S.C. § 103**

Claims 1, 3-5, 7, 9, 11, 12, 13, 17, 18, 20-22, 24, and 45-49 were rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,710,591 to Bruno et al. (*Bruno*) in view of “Virtual Gain for Audio Windows,” IEEE 1993 by Cohen et al. (*Cohen*). The Examiner further rejects Claims 6, 14-16, and 23 unpatentable over *Bruno* in view of *Cohen*, and in further view of US Pat. No. 5,764,750 to Chau et al. (“*Chau*”). Applicant respectfully traverses these rejections.

Claim 1, as amended, is directed to an audio conference server wherein one or more processors are operable to exclude from spatialized audio data, real-time audio data or stored audio data that, if attenuated, occurs below a predetermined volume value. Similar to Claim 1, Claims 6, 9, 18, 45, and 47 include limitations generally directed to excluding from spatialized audio data, real-time audio data or stored audio data that, if attenuated, occurs below a predetermined volume value. Neither *Bruno* nor *Cohen*, alone or in combination, disclose, teach, or suggest these limitations.

Claim 7 as amended is directed to an audio conference server that includes means for excluding from an actual mix, real-time audio data or stored audio data that occurs below a predetermined volume value in a mix table. Similar to Claim 7, Claims 17, 24, 46, and 48 include limitations generally directed to excluding from an actual mix, real-time audio data or stored audio data that occurs below a predetermined volume value in a mix table. Neither *Bruno* nor *Cohen*, alone or in combination, disclose, teach, or suggest these limitations. Moreover, Applicant respectfully contends that the deficiencies of *Bruno* and *Cohen* with respect to Claims 6, 14-16, and 23 are not accounted for by the teachings of *Chau*.

Claim 50 is directed to the audio conference server of Claim 1 wherein each of the one or more audio clients is respectively separated from a target audio client by a distance and the one or more processors mix the real-time audio data and stored audio data by including in the spatialized audio data, the real-time audio data associated with a predetermined number of audio clients that are closest to the target audio client and excluding from the spatialized audio data the real-time audio associated with any audio clients in excess of the predetermined number. Neither *Bruno* nor *Cohen*, alone or in combination, disclose, teach, or suggest these limitations. Respectfully, Applicants contend that all claims are in condition for allowance.

**CONCLUSION**

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicant respectfully requests full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is authorized to charge the **\$810.00 RCE fee, \$50.00** for the addition of one dependent claim, and to the extent necessary, charge any additional required fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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